

## DEPARTMENT POLICY

### Medical Assistance (MA) and Food Assistance Program (FAP) Only

This item defines migrant and seasonal farmworker. Groups composed of migrants/seasonal farmworkers must meet the same eligibility requirements as all other applicants and recipients for all programs, with certain exceptions for MA and FAP described in this item.

## DEFINITIONS

### Migrant

A migrant is a person who does both of the following:

- Works or seeks work in agriculture or a related seasonal industry.
- Moves away from his usual home to a temporary residence as a condition of employment or because the distance from his usual home is greater than 50 miles.

Migrant status continues as long as the migrant meets one of the following:

- Is employed in agriculture or a related seasonal industry.
- Has a commitment of employment or is actively seeking employment.

Migrant status continues for 30 days from the date the migrant last worked in an agricultural activity or entered Michigan, whichever is more recent.

**Exception:** Migrant status continues beyond 30 days when any of the following occurs:

- Legal circumstances require a migrant to remain in the area such as labor relations dispute, immigration or incarceration.
- Illness or hospitalization prevents a migrant from leaving the area.
- Unusual agricultural circumstances affect farm work or crops in Michigan or the migrant's home base such as weather conditions or natural disasters.

**Seasonal  
Farmworker**

A seasonal farmworker is a person who meets both of the following:

- Works in agriculture or a related seasonal industry.
- Is not required to be absent overnight from his permanent place of residence.

**Note:** Seasonal farmworker status continues as long as the FAP group contains at least one individual engaged in seasonal farm work during the current benefit period regardless of the amount of income it may receive from that source.

**Agriculture/  
Related**

Employment is any of the following:

- On a farm, ranch orchard or vineyard performing field work related to planting, cultivating or harvesting operations; and tree or plant maintenance such as pruning or thinning.
- In canning, sorting, packing, ginning, seed conditioning, processing operations or related research.
- Nursery and greenhouse activities, excluding landscaping.
- Reforestation.
- Preparation and harvest of Christmas trees and other evergreen products.
- Dairy, livestock (including swine and sheep), poultry and beekeeping.

**Migrant/Seasonal  
Farmworker FAP  
Group****FAP Only**

A group that contains at least one individual who is a migrant/seasonal farmworker is considered a migrant/seasonal farmworker group.

Two unusual living arrangements common to migrants modify FAP group policy:

- A group of individuals such as single persons in a migrant camp that hires someone to purchase and prepare meals for the group is considered one FAP group. Each person cannot be a FAP group of one.
- If members of a migrant household are lodged in separate dwellings in a camp, the members qualify as a single FAP group if they purchase and prepare their meals together.

## INTERVIEWS

### MA Only

In-person interviews are not required. The application and redetermination process may be conducted through correspondence and phone contact.

### FAP Only

An interview is required at application and redetermination. The interview may be an in-office appointment, telephone appointment or home call. Because migrant groups often reside in isolated areas and may have transportation problems and/or no access to a telephone, a face-to-face interview at the group's work site may be required; see Bridges Administrative Manual (BAM)115.

## AUTHORIZED REPRESENTATIVES

### FAP Only

Migrant or seasonal farmworker groups have the right to appoint an authorized representative. The representative must be an adult who is knowledgeable about the group's circumstances and who is trusted by the group; see BAM 110.

## CONCURRENT RECEIPT OF BENEFITS

### FAP Only

A group cannot receive benefits in more than one county/state in any given month. Contact the other state to verify if the migrant was receiving FAP benefits in the month of the move. The migrant is not entitled to benefits in Michigan for the month of the move if the other state verifies receipt or the migrant acknowledges

participation. The migrant may receive benefits in Michigan the month after the move, provided the other state verifies that benefits will not be available to the migrant that month. Benefits are not available if they are not authorized for the month or the migrant cannot obtain the authorized benefit.

**Note:** Some Electronic Benefit Transfer (EBT) systems make authorized benefits available to out-of-state recipients via a 1-800 number.

Contact the other state for verification by telephone, if at all possible. Confirm the information received and the fact that the client is now in Michigan by sending a DHS-3782, Out-of-State Inquiry, to the other state; see Bridges Eligibility Manual (BEM) 222.

## RESIDENCE

### MA Only

Children meet the residence requirement when the parent or specified relative they live with is a migrant.

### FAP Only

Verify a migrant group's address; however, the group cannot be required to have a fixed residence in the local area. If they live at a camp site, motel, temporary shelter, etc., they meet the residence requirement. Do not deny benefits solely for lack of residence verification if they do not have a permanent address. Note the lack of verification and the reason in the case file -.

A migrant group must live in the county at the time it files the application for FAP. Migrant groups cannot be required to live in the county or state for any length of time or have any intent of staying for any length of time to receive FAP benefits. For example, a migrant group arriving in Michigan to look for work could be eligible on the day of its arrival; see BEM 220.

## CITIZENSHIP AND ALIEN STATUS

### FAP Only

If a group member is identified on the application as a U.S. citizen, do **not** require verification unless the statement about citizenship is inconsistent, in conflict with known facts or is questionable. The following are not sufficient reasons to question citizenship:

- General appearance of the applicant.
- Foreign accent.
- Inability to speak English.
- Employment as a migrant farmworker.
- Foreign-sounding name.

**MA and AMP**

U.S. citizenship must be verified to receive Medicaid; see BEM 225 for a list of acceptable documents.

Citizenship/alien status is not an eligibility factor for emergency services only (ESO) MA. However, a person must meet all other eligibility factors including residency.

**MA and FAP**

If a group member is identified as an alien, require proof that the identified alien has an eligible classification; see BEM 225.

**ASSETS****MA and FAP**

Exclude a migrant's homestead outside of Michigan if the migrant intends to return to it. If the migrant has both in-state and out-of-state homesteads, exclude only one; see BEM 400.

**EXPEDITED  
SERVICE****FAP Only**

Issue FAP expedited service to migrant and seasonal farmworker groups that meet expedited criteria. If these groups are determined to be destitute, the \$150 monthly gross income requirement can be waived; see BAM 117.

**Destitute Defined**

Migrant or seasonal farmworker groups are destitute when their only income during the application month is one or both of the following:

- Stopped income received before the date of application.
- Starting income, if no more than \$25 is expected by the 10th calendar day after the application date.

**Note:** Disregard travel advances when determining destitute status; see **Travel Advances** below.

### Stopped and Starting Income and Destitute Status

The groups stopped or starting income must meet the following conditions for the purpose of determining destitute status.

Income received monthly or more frequently is:

- **Stopped income** if it will not be received again from the same source during the balance of the month of application or the following month.
- **Starting income** if no more than \$25 was received from a new source within 30 days before the application was filed.

Income normally received less often than monthly is:

- **Stopped income** if it will not be received in the month in which the next payment would normally be received.
- **Starting income** if no more than \$25 was received from the new source within the last normal interval between payments; see BAM 117.

### Source of Income

A migrant farmworker's source of income is the grower, not the crew leader. Therefore, a migrant who changes growers has stopped income and starting income even though the migrant travels with the same crew leader.

### Special Income Determination for Destitute Migrant or Seasonal Farmworker Groups

In the month of application, only count income received between the first day of the month and the date of application.

At redetermination, exclude all income from a new source in the first month of the new benefit period if no more than \$25 is received from the new source within the first 10 days of the new benefit period. Any money received after 10 days does not affect this determination.

## BUDGETING INCOME AND EXPENSES

### MA and FAP Only

Always budget income and expenses prospectively. This means estimate the income and expenses expected each month. Include expected changes.

### Prospecting Guidelines

Use the best available information to arrive at the prospected amounts. Seek input from the client whenever possible to establish an estimate and document the client's case.

Prospect income **only** if it can be reasonably anticipated. Income can be reasonably anticipated if the following is known:

- The expected amount of income.
- The approximate date of receipt.

**Example:** Mr. G. applies for MA and FAP on 4/10/09. He has a firm job offer and will start work 4/20/09.

He does not know whether he'll work full hours the first week. He also does not know if he'll get his first pay check on 4/24/09 or 5/1/09.

Do not prospect income for 4/09.

Use the following guidelines to prospect migrant and seasonal farmworker income:

- Current pay stubs may be used as an indication of income.
- Do not use past income figures for the expected amount **unless** the client agrees that the past amount is the amount he expects to receive in the prospective month.

- Income information from the prospective employer **or** a DHS-3569 can be used to project income.
- Do not project income from potentially available employment. It cannot be assumed that simply because work is available, everyone will be employed.

## Supplemental Benefits

### FAP Only

Advise clients of supplemental benefit policy. Decreases in income of \$50 or more must be effective for the month the change was reported (but not sooner than the month the change occurs) **if** the eligible group provides requested verification within 10 days. This is the only situation in which a supplement can be issued for the month a change is reported.

## Travel Advances

### FAP Only

Some employers provide travel advances to employees to cover the costs of moving to their new employment.

A travel advance is an advance on wages when a written contract specifies it will be subtracted from later earnings. Otherwise, it is a reimbursement and excluded.

Exclude travel advances when determining destitute status based on starting income. Do not count travel advances when determining if starting income of \$25 or less was received by the 10th calendar day after the date of application.

Budget a travel advance as income when it meets both of the following:

- It is an advance on wages.
- It is received between the first day of the month and the date of application.

## INCOME VERIFICATION

### FAP Only

Verify all countable earned income before authorizing benefits at application, redetermination and whenever a change occurs which results in a benefit increase.

The following methods of income verification are recommended because of the unique nature of income received by migrants and seasonal farmworkers:

- DHS-3569, Agricultural Worker Income Verification Statement.
- Check stubs and pay envelopes.
- Contact with the grower or crew leader. Verification may be by telephone, or by examination of the grower's records.
- If check stubs are not available and the grower will not cooperate, or if information from the client does not appear to be reliable, the worker may contact other persons or sources having knowledge of similar earning situations such as:
  - Crew leaders.
  - Michigan Employment Security Commission.
  - Cooperative Extension Service.
  - Child Care records.
  - Grower associations.
- **(Optional)** If the applicant states that he will be working for various growers and crew leaders:
  - Provide a calendar form such as form DHS-1423, Appointment Calendar.
  - Allow space for recording each day's income and hours worked.
  - Ask the grower or crew leader to sign and date the form.

**Note:** If the client states the grower did not provide him with pay stubs, it may be to his benefit to file a wage complaint form, WH-1981, with the Michigan Department of Labor, Wage and Hour Division. The applicant's refusal to file this form may not be used as a basis for denial for refusal to cooperate.

## EMPLOYMENT-RELATED ACTIVITIES

### FAP Only

Defer migrants and seasonal farmworkers from employment-related activities if they are one of the following:

- Employed an average of 30 hours or more per week over the benefit period.
- Receiving weekly earnings at least equal to the federal minimum wage times 30 hours.
- Under a contract or agreement to begin employment within 30 days.

## BENEFIT PERIODS

### FAP Only

Bridges assigns a 12-month benefit period. Groups with unstable or unpredictable circumstances will be assigned a three-month benefit period; see BAM 115.

## INITIAL BENEFITS

Initial FAP benefits for migrants/seasonal farmworkers are prorated **only** when the group is not active the month prior to the date of application.

Groups that were active in the food assistance program the month **before** the date of application in any state, not just Michigan are eligible for a full month's benefit. This is true whether the entire group or any member of the group was active in the month **before** the FAP application date.

## CHANGES

### Change Report Form

### FAP Only

Migrant/seasonal farmworker groups are required to report non-income changes within 10 days of the date the change becomes known to the group. Income-related changes such as starting/stop-

ping, change in hours/rate of pay, etc., must be reported within 10 days of receiving the first payment reflecting the change. Give the DHS-2240, Change Report Form, or DHS-2240-SP (Spanish version) to these groups at the following times:

- At the time of the application interview.
- Upon benefit approval.
- Whenever a DHS-2240 is returned.
- At redetermination.
- Upon client's request.

See BAM 105.

## EXPEDITED HEARINGS

Request an expedited hearing if the migrant group plans to leave the state within 60 days.

To request an expedited hearing, do all of the following:

- Complete the DHS-3050, Hearing Summary, within two work days after the local office receives the hearing request.
- Write “**Expedited Hearing**” at the top of the DHA-18, Hearing Request.
- Forward the request according to BAM 600 and local office procedures.

This is intended to assure that the group receives any benefits ordered before they leave the state; see BAM 600.

## CASE TRANSFERS

### FAP Only

Do not transfer migrant FAP-only (physical) case records. A separate case record (using the existing case number) must be established in the new county.

The transfer-out county retains the migrant FAP-only (physical) case record but must transfer FAP eligibility to the new county on Bridges; see BAM 305.

**Exception:** The entire physical case record must be transferred to the new county if MA is active.

**LEGAL BASE****MA**

45 CFR 435.845

Deficit Reduction Act 2005, Social Security Act 1903(x), PL 109-171

**FAP**

7 CFR 273.2(i), .10, .12

7 CFR 274.12

Section 330(g) of the Public Health Service Act

**JOINT POLICY  
DEVELOPMENT**

*Medicaid, Adult Medical Program (AMP), Transitional Medical Assistance (TMA/TMA-Plus), and Maternity Outpatient Medical Services (MOMS) policy has been developed jointly by the Department of Community Health (DCH) and the Department of Human Services (DHS).*